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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,331	04/14/2004	Olivier J. A. Schueller	H0498.70168US01	5408
7590 Timothy J. Oyer, Ph.D. Wolf, Greenfield & Sacks, P.C. 600 Atlantic Avenue Boston, MA 02210			EXAMINER SIMONE, CATHERINE A	
			ART UNIT 1772	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			03/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/824,331

**Applicant(s)**

SCHUELLER ET AL.

**Examiner**

Catherine Simone

**Art Unit**

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) 1-51 and 57-61 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 52-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/31/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 1-51 and 57-61 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 2/21/07.

Applicant's election with traverse of Group IV, claims 52-56, in the reply filed on 2/21/07 is acknowledged. The traversal is on the ground(s) that it is believed that a single search and examination covering all claims would not place undue burden on the Examiner. This is not found persuasive because the inventions have acquired a separate status in the art because of their recognized divergent subject matter, and the search required for each Group of claims requires a different field of search therefore causing a serious burden on the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 52-56 are rejected under 35 U.S.C. 102(a) as being anticipated by Gee et al. (US 5,647,939).

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Regarding claim 52, Gee et al. disclose an article comprising a polymeric component (elastomer or plastic) having a surface bonded to a surface of a second component (plastic or metal or elastomer) in the absence of auxiliary adhesive thereby defining a liquid-impermeable seal therebetween (col. 2, lines 26-28, 38-42 and 52-59).

Regarding claim 53, the limitation "via siloxane bonding" is a method of production and the method of forming the product is not germane to the issue of patentability of the product itself. Therefore, this limitation has not been given patentable weight. See MPEP 2113.

Regarding claim 54, note first portions of the surface of the polymeric component (Fig. 1A, element 22) are bonded to the surface of the second component (Fig. 1A, #15 of element 10) while a second portion of the surface of the polymeric component, intervening the first portions of the surface of the polymeric component, is free of contact with the surface of the second component (Fig. 1A, #12).

Regarding claim 55, note first portions of the surface of the second polymeric component (Fig. 1A, element 22) are bonded to the surface of the polymeric component (Fig. 1A, #15 of element 10) while a second portion of the surface of the second component, intervening the first portions of the surface of the second component, is free of contact with the surface of the polymeric component (Fig. 1A, #12).

Regarding claim 56, note the surface of the second component can be metal (col. 6, lines 18-30).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 52-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Moles (US 5,932,799).

Regarding claim 52, Moles discloses an article comprising a polymeric component (layer) having a surface bonded to a surface of a second component (layer) in the absence of auxiliary adhesive thereby defining a liquid-impermeable seal therebetween (col. 2, lines 1-4 and col. 4, lines 19-24).

Regarding claim 53, the limitation “via siloxane bonding” is a method of production and the method of forming the product is not germane to the issue of patentability of the product itself. Therefore, this limitation has not been given patentable weight. See MPEP 2113.

Regarding claim 54, note first portions of the surface of the polymeric component (Fig. 1C, element 6) are bonded to the surface of the second component (Fig. 1C, element 4) while a second portion of the surface of the polymeric component, intervening the first portions of the surface of the polymeric component, is free of contact with the surface of the second component (Fig. 1C, elements 16, 18 and 20).

Regarding claim 55, note first portions of the surface of the second polymeric component (Fig. 1C, element 6) are bonded to the surface of the polymeric component (Fig. 1C, element 4) while a second portion of the surface of the second component, intervening the first portions of the surface of the second component, is free of contact with the surface of the polymeric component (Fig. 1C, elements 16, 18 and 20).

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Regarding claim 56, note the surface of the second component can be metal (col. 2, lines 50-51).

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Catherine A. Simone  
Examiner  
Art Unit 1772  
March 16, 2007

  
NASSER AHMAD  
PRIMARY EXAMINER 3/19/07